

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

**Case No. 3:23-MD-3071
MDL No. 3071**

**This Document Relates to:
3:23-cv-00757 (M.D. Tenn.)
3:23-cv-01832-MEH (D. Colo.)**

Chief Judge Waverly D. Crenshaw, Jr.

**UNOPPOSED MOTION FOR ORDER SUSPENDING DEADLINE FOR CERTAIN
DEFENDANTS TO RESPOND TO COMPLAINTS**

Pursuant to Local Civil Rule 6.01(a)(1), Defendants B.HOM Student Living LLC (“B.HOM”) and Timberline Real Estate Ventures, LLC (“Timberline”) respectfully request an Order suspending the deadlines for these Defendants to answer, move to dismiss, or otherwise respond to the *Lauder* and *Dempsey* Complaints.

Plaintiffs Mia Lauder and Rachel Meredith served B.HOM with the Complaint in *Lauder et al. v. RealPage, Inc. et al.*, No. 3:23-cv-00757 (M.D. Tenn.) on July 17, 2023, and served Timberline on July 18, 2023. Under Federal Rule of Civil Procedure 12(a)(1)(A), B.HOM’s current deadline to respond to the *Lauder* Complaint is August 7, 2023, and Timberline’s deadline to respond is August 8, 2023.

Plaintiffs Benjamin Dempsey and Ivonne Mendieta served B.HOM with the Complaint in *Dempsey et al. v. RealPage Inc., et al.*, No. 1:23-cv-01832 (D. Colo.)¹ on July 21, 2023, and have

¹ The Judicial Panel on Multidistrict Litigation transferred the *Dempsey* action to this Court on August 2, 2023. *See* Dkt. 457. As of this filing, a Middle District of Tennessee case number has not yet been assigned to the *Dempsey* action.

filed a proof of service indicating that they purported to serve Timberline on July 25, 2023.

B.HOM's current deadline to respond to the *Dempsey* Complaint is August 11, 2023, and Timberline's deadline to respond, if calculated according to the date on Plaintiffs' proof of service, would be August 15, 2023.

Counsel for Plaintiffs and for Defendants B.HOM and Timberline have conferred and agree that the deadline for these Defendants to answer, move to dismiss, or otherwise respond to the *Lauder* and *Dempsey* Complaints should be suspended in light of Plaintiffs' intent to file a Consolidated Amended Complaint. It would be inefficient for B.HOM and Timberline to answer, move to dismiss, or otherwise respond to the current *Lauder* and *Dempsey* Complaints, as the forthcoming Consolidated Amended Complaint will supersede those Complaints as the operative pleading.

For these reasons, Defendants B.HOM and Timberline request that this Court suspend their deadlines to answer, move to dismiss, or otherwise respond to the *Lauder* and *Dempsey* Complaints until Plaintiffs file their Consolidated Amended Complaint. Defendants B.HOM and Timberline will thereafter respond to Plaintiffs' Consolidated Amended Complaint pursuant to a schedule approved by this Court. Plaintiffs' counsel indicated that Plaintiffs do not oppose this motion.

THEREFORE, Defendants B.HOM and Timberline respectfully request that this Court suspend their deadlines to answer, move to dismiss, or otherwise respond to the *Lauder* and *Dempsey* Complaints.

Dated: August 4, 2023

Respectfully submitted,

/s/ Ian Simmons

Ian Simmons (*pro hac vice*)
isimmons@omm.com
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Telephone: (202) 383-5300

Stephen J. McIntyre (*pro hac vice*)
smcintyre@omm.com
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, California 90071
Telephone: (213) 430-6000

*Counsel for Defendants BH Management
Services, LLC and B.HOM Student Living
LLC*

/s/ Lee A. Peifer

Lee A. Peifer (*pro hac vice*)
leepeifer@eversheds-sutherland.com
EVERSHEDS SUTHERLAND (US) LLP
999 Peachtree Street NE, Suite 2300
Atlanta, Georgia 30309-3996
Telephone: (404) 853-8000

Douglas Berry (TN Bar No. 6927)
doug.berry@millermartin.com
Jessica Malloy-Thorpe (TN Bar No. 35234)
jessica.malloy-thorpe@millermartin.com
MILLER & MARTIN PLLC
401 Commerce Street, Suite 1010
Nashville, Tennessee 37219
Telephone: (615) 244-9270

*Counsel for Defendant Timberline
Real Estate Ventures, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered on the CM/ECF system.

DATED: August 4, 2023

/s/ Ian Simmons
Ian Simmons
isimmons@omm.com
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Telephone: (202) 383-5300

*Counsel for Defendant BH
Management Services, LLC and
B.HOM Student Living LLC*